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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,952	08/23/2006	Ming Ji	P29980	9585

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EXAMINER	
VAUGHAN, MICHAEL R	
ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
04/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/595,952	JI ET AL.	
	Examiner	Art Unit	
	MICHAEL R. VAUGHAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,23-27 and 30-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,23-27 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The instant application having Application No. 10/595952 is presented for examination by the examiner. Claims 1-2, 6, 11, 16, 23-24, and 30 have been amended. Claims 21, 22, 28, and 29 have been canceled. Claims 31 and 32 have been added. Claims 1-20, 23-27, and 30-32 are currently pending and have been considered by the Examiner.

Response to Amendment

Drawings

The newly filed drawings are accepted.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/21/09 was filed after the mailing date of the non-final Office Action on 10/24/08. Accordingly, the information disclosure statement is being considered by the examiner. Document 3 was not found to have been submitted by Applicant. In its place appears to be a MPEG RFC proposal. As a courtesy, Examiner attempted to find a copy of that document and list it on a PTO-892 but was unable to locate a copy. If Applicant would like that document considered, please resubmit it.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A media stream is a signal and therefore falls under energy. Energy is not a statutory class of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-20, 23-27, and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At least all of the independent claims are using the word protocol to mean some type of data. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one

reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "session description protocol" in the independent claims is used by the claim to mean "something tangible and transmittable", while the accepted meaning is "set of instructions governing communication." The term is indefinite because the specification does not clearly redefine the term. Protocols can be layered and stacked. However protocols themselves are not transmitted or received. Protocols are carried out and even initiated. Protocols do have layers which have fields that contain the data. As an example, Examiner submits a simple illustration of the points. Consider two docks on a river. The river has a current which follows downstream. Dock A located upstream, is sending a raft to Dock B located downstream. The raft has a box which contains some apples inside of it. When the raft is put into the river, the current dictates how the raft will meander and flow downstream to Dock B. The person at dock B receives the raft, takes the box off of it, opens the box, and eats an apple inside of the box. In this simple illustration, the current in the river is the protocol. The current carries the raft to the person at dock B. The person at dock B does not receive the current. He/she receives the raft. The raft is the layer, the box is a field in the layer, and the apples are the data in the field.

Furthermore the independent claims have a limitation wherein a storer operable to store management information for managing the media stream in a session description protocol of the session layer of the media stream. This limitation is

indefinite. First of all, what is a storer? Second where is the management information stored? Is it in the protocol, the session layer, or the media stream? This limitation uses grammar which does not definitely answers these questions.

The newly amended limitation of the independent claims is indefinite. First of all, as the Examiner understands the invention, the management information is stored in the session layer so that it can be updated at anytime during the stream without interfering with the stream media. Examiner has reread the parts of the specification dealing with this limitation but is unable to place it in the scope of the claimed invention. In page 9 of the specification, during the reproduction of a stream, the IPMP tools designate how the content is handled. This is assuming the receiver can reproduce the content. If a receiver cannot reproduce the streamed content why is it necessary for it to follow the rules governing how it is to be reproduced? In other words, if the client does not possess the ability to even reproduce the content, would it not simply discard the stream entirely? As this relates to the claims, if the receiver is not a MPEG4 receiver, it cannot reproduce the content anyway, so what is it mean that the receiver can use the MPEG-4 content information based on the management information.

As per claim 31 and 32, it is unclear what is being claimed. The preambles are directed to computer readable medium. The preamble ends with the word comprising so Examiner assumes the medium comprises the body of the claim. What is meant by storing segments? How does a recording medium comprise a transmitting segment? The word segment needs to be defined and the preamble should definitively state what comprises the body of the claim.

Response to Arguments

Applicant's arguments filed 2/13/09 have been fully considered but they are not persuasive. Applicant has stated that the prior art, Herpel, does not teach sending the management data in the session layer protocol. First of all, Examiner reiterates the confusion of the independent claims with respect to how the protocol in general is defined. Next, Examiner finds support for sending the management data in the session layer protocol on page 31 of Herpel. Herpel explicitly teaches the SDP can take the role of the object descriptors [which is where the IPMP tools are located]. Herpel even suggest sending the Initial OD out-of-band during a session initialization phase (pg. 11). The teachings and suggest on page 31 seem to directly modify the conventional mean of transferring the OD in the mpeg4 system layer by putting them into the SDP layer.

If this is done, it logically follows that any receiver capable of carrying a SDP could then extract the content even if it cannot process the MPEG-4 content. Therefore non MPEG-4 receiver can use the content information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20, 23-27, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by international publication "MPEG-4 Systems: Elementary Stream Management" by Herpel et al., hereinafter Herpel.

As per claim 1, Herpel teaches a streaming system comprising a server which transmits a media stream having a layer structure including at least a session layer through a network and a client which receives the media stream from the server through the network, the server comprising:

a storing unit operable to store management information (pg. 31, section 2) for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

a transmitting unit operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2), and the client comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6); an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8).

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 2, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 3, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 4, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1st paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 5, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1st paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 6, Herpel teaches a server which transmits a media stream having a layer structure including at least a session layer to a client through a network, comprising:

a storing unit operable to store management information (pg. 31, section 2) for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

a transmitting unit operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2),

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 7, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2).

As per claim 8, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 9, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1st paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 10, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description

protocol (pg. 16, 1st paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 11, Herpel teaches a client which receives a media stream having a layer structure including at least a session layer from a server through a network, comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6);

an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8),

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 12, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 13, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 14, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1st paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 15, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1st paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 16, Herpel teaches a transmitting method which transmits a media stream having a layer structure including at least session layer to a client through a network, comprising:

storing management information for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

transmitting the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2),

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 17, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2).

As per claim 18, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 19, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1st paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 20, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1st paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 23, Herpel teaches a receiving method in which receives a media stream having a layer structure including at least a session layer from a server through a network, comprising:

receiving a session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6);

extracting the management information from the received session description protocol (pg. 32, step 7); and

managing the media stream on the basis of the extracted management information (pg. 32, step 8),

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 24, Herpel teaches the management information is an IPMP tool list or an IPMP descriptor related to an IPMP tool used in the protection of the media stream (pg. 15, section 2), and the managing unit specifies the IPMP tool by the extracted IPMP tool list or the IPMP descriptor to manage the media stream (pg. 32, step 7-8).

As per claim 25, Herpel teaches the management information is right information of the media stream (pg. 15, section 2).

As per claim 26, Herpel teaches the management information is stored in a session level attribute related to all media streams in the same session of the session description protocol (pg. 16, 1st paragraph, management information placed in object descriptor is relevant for all streams).

As per claim 27, Herpel teaches the management information is stored in a media level attribute related to associated media streams in the session description protocol (pg. 16, 1st paragraph, management information placed in ES descriptor is relevant for one stream).

As per claim 30, Herpel teaches a media stream transmitted and received from a server to a client through a network and having a layer structure including at least a session layer, wherein

management information (pg. 15, section 2 -- pg. 16, 1st paragraph) for managing the media stream is stored in a session description protocol of the session layer (pg. 32, section 2).

As per claim 31, Herpel teaches computer readable recording medium encoded with a computer program which transmits a media stream having a layer structure including at least a session layer through a network and a client which receives the media stream from the server through the network, the server comprising:

a storing unit operable to store management information (pg. 31, section 2) for managing the media stream in a session description protocol of the session layer of the media stream (pg. 15, section 2); and

a transmitting unit operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream (pg. 30, section 2), and the client comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6); an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8).

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

As per claim 11, Herpel teaches computer readable recording medium encoded with a computer program which receives a media stream having a layer structure including at least a session layer from a server through a network, comprising:

a receiving unit operable to receive the session description protocol in which the management information is stored from the server (pg. 30 section 2, and pg. 32, step 6);

an extracting unit operable to extract the management information from the received session description protocol (pg. 32, step 7); and

a managing unit operable to manage the media stream on the basis of the extracted management information (pg. 32, step 8),

wherein the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol (pg. 31).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2431